

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

ANGELA MUSTO,)	
)	
Plaintiff,)	
)	
v.)	Docket no. 1:20-cv-00188-GZS
)	
LIBERTY INSURANCE)	
CORPORATION d/b/a)	
LIBERTY MUTUAL,)	
)	
Defendant.)	

ORDER AFFIRMING RECOMMENDED DECISION

On November 21, 2021, the United States Magistrate Judge filed with the Court his Recommended Decision on Motions for Summary Judgment (ECF No. 52). Plaintiff filed an Objection to this Recommended Decision (ECF No. 55) on December 20, 2021. Defendant then filed a Response to this Objection (ECF No. 56) on January 3, 2022.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record. I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision. I concur with the recommendations of the Magistrate Judge for the reasons set forth in his Recommended Decision and, thus, determine that no further proceeding is necessary.

It is therefore **ORDERED** that:

1. The Recommended Decision (ECF No. 52) is hereby **AFFIRMED**.
2. Defendant's Motion for Summary Judgment (ECF No. 41) is hereby **GRANTED IN PART** and **DENIED IN PART**.
3. Plaintiff's Motion for Summary Judgment (ECF No. 42) is hereby **GRANTED IN PART** and **DENIED IN PART**.

4. Judgment shall enter in favor of Defendant Liberty Insurance Corporation on Counts I, II & III of the Complaint (ECF No. 1-1).
5. The Court hereby declares and adjudges that the appraisal award signed by Reynolds and Wharff is valid and conclusively set the amount of Musto's loss stemming from the malfunctioning wood-pellet stove incident on February 20, 2019.
6. In light of this declaration, judgment on the Counterclaim (ECF No. 5) shall enter in part in favor in Counterclaimant Liberty Insurance Corporation. To the extent that the Counterclaim also sought other specific declarations, judgment shall enter in favor of Counterclaim Defendant Musto.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 11th day of January, 2022.